

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

H & F Aviation, Inc., and
Joseph L. Frisolone,
Plaintiffs

v.

Civil No. 06-cv-135-SM

Keyson Enterprises, Inc.,
Keyson Airways Corporation,
Holly Frenzel, and Barbara Krivsky,
Defendants

O R D E R

A pretrial status conference was held on July 9, 2007. R. Matthew Cairns, Esq., appeared on behalf of the plaintiffs and Arnold Rosenblatt, Esq., appeared on behalf of Defendant Holly Frenzel. Defendants Keyson Enterprises, Inc., Keyson Airways Corporation, and the Estate of William Krivsky (the "Keyson Defendants"), did not appear, and have not had counsel enter an appearance as previously directed by the court, subjecting them to entry of default.

Plaintiffs' counsel advised that a potential settlement with the Keyson defendants is in the offing, but, given the current status of the docket, will consider filing a motion for entry of default.

Defense counsel for Frenzel noted that the litigation posture of this case changed substantially when her father, William Krivsky, died. The business defendants are closely held corporations, and, under Krivsky's control, Frenzel had reason to anticipate full indemnification for any individual liability she might have in this case, and, control of the litigation (including her own personal defense) was directed by the Keyson defendants and handled by the law firm of Wiggin & Nourie, P.A. Now, all that has changed. Wiggin & Nourie withdrew based upon potential conflicts that arose after Krivsky's death, and Frenzel has retained her own legal counsel, who understandably requests a reasonable accommodation to permit a defense specifically tailored for Frenzel.

Plaintiffs and Defendant Frenzel agreed to continue the trial of this matter, anticipating that a settlement may be reached with the Keyson defendants (or, possibly, default judgment entered). The court granted that motion, and established the following schedule.

Trial:	December 4, 2007
Deposition of Messrs. Frizolone and Mahoney:	Before August 31, 2007

Discovery Close as to
Defendant Frenzel: October 30, 2007
(Discovery is Complete as
to the Keyson Defendants)

Defendant Frenzel's
Disclosure of Expert Reports: September 15, 2007

Dispositive Motions: Anytime - but if filed close to
trial (after November 1, 2007) the
court will consider the motions as
trial motions for judgment as a
matter of law and rule at trial.

SO ORDERED.



Steven J. McAuliffe
Chief Judge

July 10, 2007

cc: Donald C. Mark, Jr., Esq.
Edward E. Beckmann, Esq.
R. Matthew Cairns, Esq.
Marie M. McPartlin, Esq.
Arnold Rosenblatt, Esq.